

KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE

Kendall County Office Building

Rooms 209 & 210

111 W. Fox Street, Yorkville, Illinois

6:30 p.m.

Meeting Minutes of May 13, 2019

CALL TO ORDER

The meeting was called to order by Chairman Prochaska at 6:30 p.m. Chairman Prochaska led the attendees in the Pledge of Allegiance.

ROLL CALL

Committee Members Present: Elizabeth Flowers, Matt Kellogg (Vice-Chairman), John Purcell (arrived @ 6:40 p.m.), and Matthew Prochaska (Chairman)

Committee Members Absent: Judy Gilmour

Also Present: Matt Asselmeier (Senior Planner), Ruth Ann Sikes, Part Time Office Assistant (Zoning), Judy Bush, Virginia Lake, Boyd Ingemunson, Joe Clark, Jim Williams and Greg Stromberg

APPROVAL OF AGENDA

Member Flowers made a motion, seconded by Member Kellogg, to approve the agenda with a change of moving the April 30, 2019 Email regarding Anderson Tree Farm to after the second item of New Business. With a voice vote of three (3) ayes, the motion carried unanimously.

APPROVAL OF MINUTES

Member Kellogg made a motion, seconded by Member Flowers, to approve the minutes of the April 30, 2019, meeting with the amendment of changing the time in the heading from 6:30 p.m. to 8:00 a.m. With a voice vote of three (3) ayes, the motion carried unanimously.

EXPENDITURE REPORT

The Committee reviewed the Expenditure Report. Member Kellogg, made a motion, seconded by Member Flowers, to forward the report to Finance for review. With a voice vote of three (3) ayes, the motion carried unanimously.

PUBLIC COMMENT:

Jim Williams would like to see increased enforcement of violations in Boulder Hill. Brian Holdiman does the best he can but fines are not placed on violations. He would like to see greater cooperation between the County and Oswego Township on code enforcement.

Member Purcell arrived at this time (6:40 p.m.).

Judy Bush agreed with Mr. Williams. She felt the current ordinances were not enforced.

Virginia Lake echoed the comments of Mr. Williams and Ms. Bush. They can't walk down their sidewalks because of all the campers and trucks.

PETITIONS

Petition 19-07 Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the request.

At the January Planning, Building and Zoning Committee meeting, the Committee requested Staff to prepare a proposed text regarding Section 11.05A of the Kendall County Zoning Ordinance pertaining to the parking of recreation vehicles, trailers and mobile homes.

The proposal is divided into three (3) parts:

Part One: Amends Section 11.05A.1.b by allowing the parking of recreational vehicles, trailers and mobile homes in the front and corner yard setbacks in the R-4, R-5, R-6, and R-7 Zoning Districts provided that no sidewalk, trail, or visibility of motorists is blocked. The remainder of Section 11.05.A.1.b is renumbered to reflect the amendment.

Part Two: The requirement that certain recreational vehicles be registered is removed because the proposal renders the registrations moot. Five (5) recreational vehicles were registered with the County.

Part Three: Section 11.05.A.2 is amended by removing the seventy-two (72) hour parking provision. The remainder of Section 11.05.A.2 is renumbered to reflect the amendment.

At their meeting on February 11, 2019, the Planning, Building and Zoning Committee voted to initiate a text amendment to the Kendall County Zoning Ordinance reflecting this proposal.

ZPAC reviewed this proposal at their meeting on March 5, 2019. ZPAC unanimously recommended approval.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on March 27, 2019. The Kendall County Regional Planning Commission unanimously recommended approval.

The Kendall County Zoning Board of Appeals held a public hearing on this proposal on April 1, 2019. Three (3) members of the public testified in opposition to this proposal. Their concerns focused on code enforcement and the negative impacts to the aesthetics of the neighborhood if the proposal passed. One (1) of the members of the public requested that Kendall County adopt regulations similar to the Village of Oswego's regulations on this matter. The Kendall County Zoning Board of Appeal unanimously issued a negative recommendation of the proposal. Members voted no because they felt that Boulder Hill would turn into a trailer park and housing values would be depressed because the neighborhood would look bad. Also, just because an ordinance is difficult to enforce, does not mean that the ordinance should be repealed.

The proposal was sent to the townships on March 4, 2019. On April 10, 2019, Oswego Township sent a letter of objection regarding the proposal. Oswego Township would like to see Kendall County adopt similar regulations as the Village of Oswego, if allowed by State law. Oswego Township does not have a Planning Commission, so their objection does not trigger a supermajority vote at the County Board for approval of this proposal.

It was the consensus of the Committee that the rules for the Village of Oswego and the Village of

Montgomery should be examined pertaining to fees and enforcement.

Member Flowers made a motion, seconded by Member Kellogg, to withdraw Petition 19-07 in its current form.

The votes were as follows:

Yeas (4): Flowers, Kellogg, Prochaska, and Purcell

Nays (0): None

Abstain (0): None

Absent (1): Gilmour

The motion carried. The Petition was withdrawn.

Petition 19-08 – Daniel, Bruce, and Norma Van Deventer and Deborah Hull on Behalf of the Wilbur C. VanDeventer Trust (Current Owner) and Diane and Craig Zimmerman (Prospective Buyer)

Mr. Asselmeier summarized the request.

Diane and Craig Zimmerman would like to purchase the subject property and construct a single-family home on the property and operate a home-based business as allowed by the Kendall County Zoning Ordinance. The property lacks a housing allocation. Therefore, a map amendment is required.

The property is approximately fifteen (15) acres in size.

The Land Resource Management Plan calls for the property to be residential.

Trails are planned along Galena Road and along Blackberry Creek. Blackberry Creek runs through the property and development can occur only the south portion of the property is outside the floodplain. There is a freshwater emergent wetland on the northwest side of the property.

The zoning in the area is A-1 and R-3 with Yorkville and Montgomery having zoning within a half (1/2) mile of the property.

EcoCat was submitted and consultation was terminated.

The LESA Score was 129 indicating a low level of protection.

Petition information was sent to Bristol Township on February 25, 2019. Bristol Township did not provide any comments.

Petition information was sent to the Village of Montgomery on February 25, 2019. They submitted no objections.

Petition information was sent to the United City of Yorkville at the end of February. The subject property is across the street from Yorkville, but is in Montgomery's planning jurisdiction. Yorkville submitted no objections.

Petition information was sent to the Bristol-Kendall Fire Protection District on February 25, 2019.

ZPAC reviewed this petition at their meeting on March 5, 2019. The Kendall County Highway Department requested a site plan showing the location of the proposed driveway for the house. It was noted that a variance would be required to the Kendall County Highway Regulations, if the Petitioner desired more than a right-in, right-out point of ingress/egress. ZPAC unanimously recommended approval of the request.

The Kendall County Regional Planning Commission reviewed this petition at their meeting on March 27, 2019. A neighbor questioned why the property needed to be rezoned. Mr. Asselmeier explained Kendall County's forty (40) acre rule and housing allocation rules in agricultural areas. The address of the property required clarification. The Kendall County Regional Planning Commission unanimously recommended approval of the request.

The Kendall County Zoning Board of Appeals held a public hearing on this petition on April 1, 2019. Other than the Petitioner's Attorney, no other members of the public testified in favor or in opposition to the proposal. The Kendall County Zoning Board of Appeals unanimously recommended approval of the request.

Any new homes or accessory structures would be required to meet applicable building codes.

The property fronts Galena Road. Staff has no concerns regarding the ability of Galena Road to support the proposed map amendment. A variance to the Kendall County Highway Access Regulation Ordinance will be required, if the Petitioner desired more than a right-in, right-out point of ingress/egress. At their meeting on March 19, 2019, the County Board approved an ordinance granting access onto Galena Road at the subject property.

No new odors are foreseen.

Any new lighting would be for residential use only and must be in compliance with the regulations related to home occupations contained in the Zoning Ordinance.

No fencing or buffer is presently planned for the property.

Any new homes constructed in the floodplain would have to secure a stormwater permit.

Electricity is nearby. New well and septic information would have to be evaluated as part of the building permit process.

Staff recommends approval of the proposed map amendment.

Member Purcell asked if the board had voted on this proposal previously. Member Kellogg said it was for a driveway variance.

Member Purcell asked if the Petitioner knew there was going to be some major highway work in that area. The Petitioner's Attorney responded that they were aware that improvements were planned in the area.

Member Purcell made a motion, seconded by Member Kellogg, to recommend approval of the Map Amendment.

The votes were as follows:

Yeas (4): Flowers, Kellogg, Prochaska, and Purcell
Nays (0): None
Abstain (0): None
Absent (1): Gilmour

The motion carried. This proposal will go to the County Board on May 21st.

NEW BUSINESS

Discussion of SB7

The Committee discussed SB7.

Chairman Prochaska asked the committee to go through the information at their convenience.

Mr. Asselmeier asked if a template ordinance would be developed by the Illinois Municipal League or Counties' Association. Chairman Prochaska said that he believed the Counties' Association would be doing a template ordinance.

Request for Guidance Regarding Alleged Stormwater Ordinance Violation at 508 W. Route 126 (Anderson Tree Farm)

Mr. Asselmeier presented information regarding the request.

Karen Anderson presented pictures of the flooding from last year and stated they did not raise the ground level two feet.

Joe Clark presented pictures of flood near his house. He also stated the Anderson's have raised the level of the land approximately two feet (2'). He was looking for some help with the problem because of water in his basement.

The Committee discussed many ways of fixing the problem. The Committee requested Ken Hostert, Na-Au-Say Township Highway Commission, to attend a future meeting.

CORRESPONDENCE:

April 30, 2019 Email from Anderson Tree Farm Regarding Special Use Permit Application

Mr. Asselmeier read the correspondence. They have taken the pictures down from the website and they will not be applying for the special use permit.

NEW BUSINESS

Recommendation on Annual Facility Inspection Report for NPDES Permit for Stormwater Discharges from Separate Storm Sewer Systems (MS4)

Member Purcell asked if this was a follow up. Mr. Asselmeier said it was the Annual Report. The Annual Report was basically the same as last year's report and the filing fee is in the Department's budget.

Member Purcell made a motion, seconded by Member Kellogg, to forward the Annual Report to

the County Board.

The votes were as follows:

Yeas (4): Flowers, Kellogg, Prochaska, and Purcell

Nays (0): None

Abstain (0): None

Absent (1): Gilmour

The motion carried. This matter will go to the County Board May 21st.

Approval of Setting a Date and Time for a Second Meeting of the Planning, Building, and Zoning Committee in the Month of May 2019

Chairman Prochaska stated he did not believe that a second meeting was needed.

OLD BUSINESS

Update on Zoning Violation at 45 Cheyenne Court

Greg Stromberg provided an update. He hopes to complete the project by August 1st or September 1st. An update will be provided around July 1st.

Discussion of Land Cash Ordinance

Mr. Asselmeier summarized.

It was the consensus of the Committee that the weighted average of all lot sales for the entire county should be used as the fair market value. This would set the fair market value at Forty-Seven Thousand One Hundred Twenty-One Dollars (\$47,121). Staff will bring a proposal reflecting this fair market value to the next meeting.

Discussion of Junk and Debris Ordinance Update

Mr. Asselmeier provided an Update.

Member Purcell stated he had concerns about the subjectivity of junk and debris near commercial establishments.

The consensus of the Committee was to exempt commercial and manufacturing zoned properties where lawful businesses are operating and to send the revised proposal to the Committee of the Whole.

Zoning Ordinance Project Update

Chairman Prochaska requested Staff to inform Teska Associates that no additional extension will be given on the deadline for the project.

REVIEW OF THE VIOLATION REPORT

The Committee reviewed the violation report.

Update on Zoning Violation at 790 Eldamain Road

Additional fencing has been added and the property owners' attorney believes fencing should be completed in the next few weeks.

Approval to Forward Violation of Stormwater Ordinance at 84 Woodland Drive, Plano to the State's Attorney's Office

Mr. Asselmeier summarized the case.

In July 2018, the Kendall County Planning, Building and Zoning Department received a complaint of dumping at 84 Woodland without a permit. On July 25, 2018, an inspection occurred at the property and the determination was made that a permit was required because the dumping impacted a natural waterway. On November 10, 2018, the property owner paid for a stormwater management permit, but did not provide any information on the amount of dirt placed onsite or future plans for the property.

The property owner has two (2) options. He can dump more dirt if he provides a plan, topographic survey, and engineering calculations. This option requires the owner to know how much dirt he intends to haul onto the site. The second option is leaving things "as-is" which requires the owner to get a topographic survey and get an engineer to certify that the fill had not impact on the waterway.

On March 13, 2019, the owner was sent a certified letter explaining his options. On April 9, 2019, the owner requested, the Department granted, an extension until April 30, 2019.

A landscaping business is not allowed on the subject property.

Staff requests guidance as to how to proceed. This guidance could include forwarding the case to the State's Attorney's Office.

Chairman Prochaska made a motion, seconded by Member Flowers, to forward this violation to the State's Attorney's Office.

The votes were as follows:

Yeas (3): Flowers, Kellogg, and Prochaska

Nays (1): Purcell

Abstain (0): None

Absent (1): Gilmour

The motion carried.

REVIEW NON-VIOLATION COMPLAINT REPEORT

None

UPDATE FROM HISTORIC PRESERVATION COMMISSION

A plaque will be presented to the Chapel on the Green for Preservation of a Commercial Structure at the next County Board meeting.

REVIEW PERMIT REPORT

The Committee reviewed the permit report.

REVIEW REVENUE REPORT

The Committee reviewed the revenue report.

CORRESPONDENCE

May 3, 2019 Letter from IDOT Regarding Noise Traffic Study on Routes 47 and 30

Mr. Asselmeier read the correspondence.

Member Purcell asked the location of the study area along Route 47. Mr. Asselmeier read the study area location. Mr. Asselmeier did not know when the noise walls would be installed.

PUBLIC COMMENT

Jim Williams complimented the Committee on their activities.

COMMENTS FROM THE PRESS:

None

ADJOURNMENT

Member Flowers made a motion, seconded by Member Purcell, to adjourn. With a voice vote of four (4) ayes, the motion carried unanimously. Chairman Prochaska adjourned the meeting at 7:45 p.m.

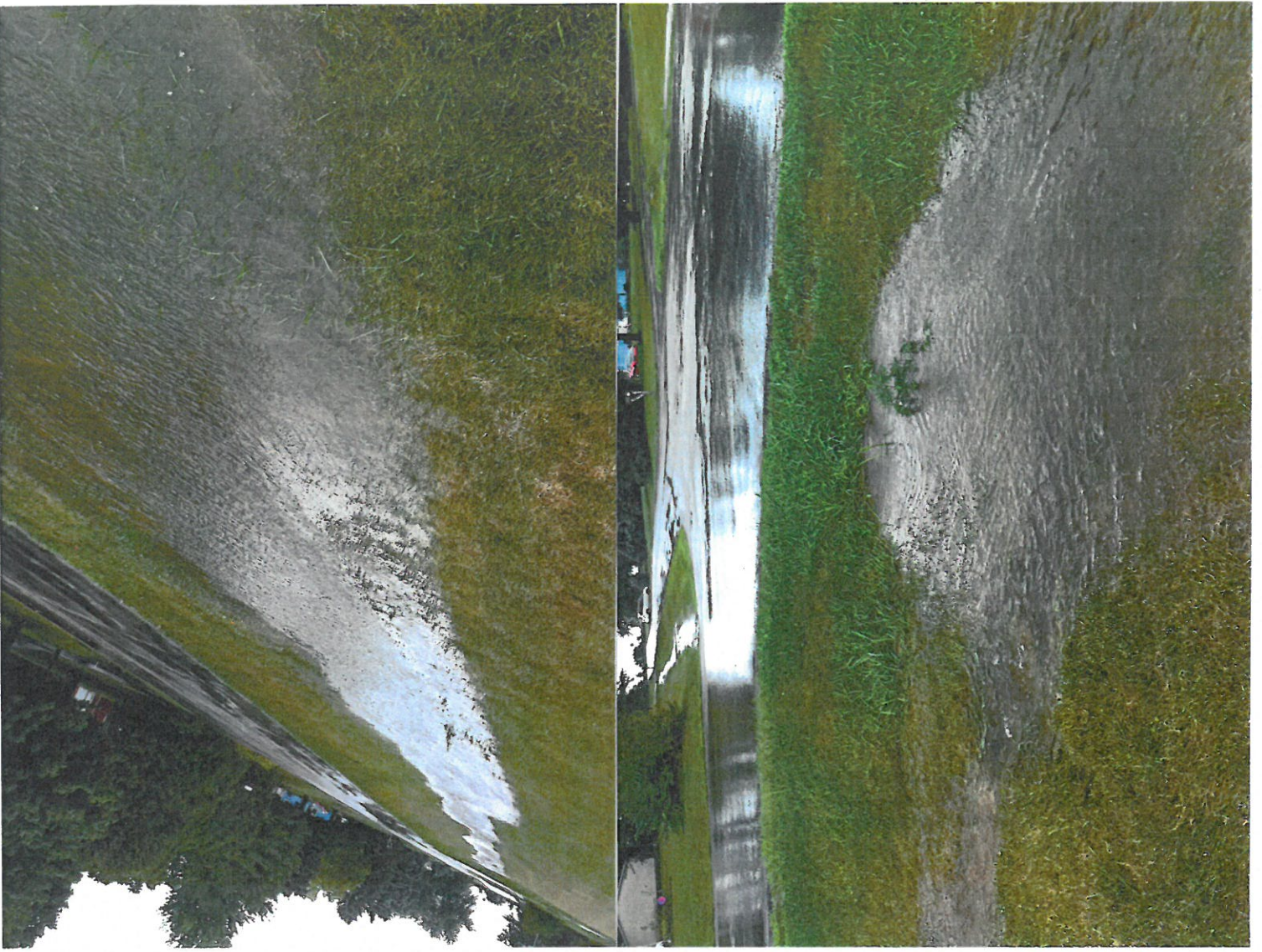
Minutes prepared by Ruth Ann Sikes, Part Time Office Assistant

Enc.























**KENDALL COUNTY
PLANNING, BUILDING, & ZONING COMMITTEE
MAY 13, 2019**

IF YOU WOULD LIKE TO BE CONTACTED ON FUTURE MEETINGS REGARDING THIS TOPIC, PLEASE PROVIDE YOUR ADDRESS OR EMAIL ADDRESS

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
Judy Bush		
Virginia Lake		
Boyd Ingemanson		
JOE CLARK		